

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Masayuki Takayama, et al. Examiner: Sharad Rampuria
Application No.: 09/621,045 Confirmation No.: 4035
Filed: July 21, 2000 Group Art Unit: 2683
For: MOBILE TELEPHONE SET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
UNDER 37 C.F.R. § 1.181

Sir:

A Notice of Abandonment dated January 13, 2005 informed Applicants that the above-identified patent application is abandoned in view of Applicants' failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. After receiving the Notice of Abandonment we contacted the U.S. Patent and Trademark Office to determine when the Notice of Abandonment was mailed since our docket records and physical inspection of the file did not indicate having ever received a Notice of Allowance for the above-identified patent application. We spoke with a Mr. Derek Rich in the Office of Patent Publication Image Assistance Center who informed us that the mailing date of the Notice of Allowance was October 24, 2003. Based on this date, Applicants would have been required to timely respond to the Notice of Allowance by January 24, 2004. Accordingly, failure to respond to the Notice of Allowance resulted in abandonment of the above-identified patent application after January 24, 2004.

Pursuant to 37 C.F.R. § 1.181(a), Applicants hereby petition to withdraw holding of abandonment in connection with the above-identified patent application because a Notice of Allowance was never received for the above-identified patent application and, therefore, the above-identified patent application was never in fact knowingly abandoned as a result of Applicants' failure to timely pay the required issue fee.

Under MPEP 711.03(c), the showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In accordance with the requirements under MPEP 711.03(c), enclosed is a Declaration of John C. Garces, the attorney assigned to prosecute the above-identified patent application, and Wendy Nelson, the patent prosecution docket clerk. The Declaration provides that a search of the file jacket and docket records indicates a Notice of Allowance was never received for the above-identified patent application. Enclosed with the Declaration is a copy of the docket record where receipt of the Notice of Allowance would have been entered had it been received and docketed. The attached docket report has been redacted to remove docket entries unrelated to this petition.

In view of the foregoing, it is respectfully requested that the holding of abandonment be withdrawn and that the U.S. Patent and Trademark Office reissue the Notice of Allowance for the above-identified patent application.

It is also respectfully requested that the references cited in the Information Disclosure Statement dated September 3, 2004 in connection with the above-identified patent application be fully considered, if they have not already been considered, and printed on any patent which may issue on this application. Applicants request that a copy of Form

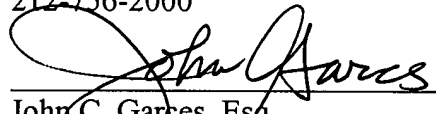
PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication. For the Examiner's convenience, enclosed is a copy of the Supplemental Information Disclosure Statement as filed on September 3, 2004.

Respectfully submitted,

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212-756-2000

Dated: February 15, 2005
New York, New York

By:


John C. Garces, Esq.
Reg. No. 40,616